



Order Filed on August 16, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

824311

**Phelan Hallinan Diamond & Jones, PC**

1617 JFK Boulevard, Suite 1400

Philadelphia, PA 19103

856-813-5500

**Attorneys for Secured Creditor: Santander Bank,  
N.A.**

In Re:

KENNETH MCCARTHY

Case No: 19-13315 - CMG

Hearing Date: 09/18/2019

Judge: Christine M. Gravelle

**CONSENT ORDER RESOLVING OBJECTION TO CONFIRMATION**

The consent order set forth on the following pages, numbered two (2) through three (3) is hereby **ORDERED**.

**DATED: August 16, 2019**

  
\_\_\_\_\_  
Honorable Christine M. Gravelle  
United States Bankruptcy Judge

**NJID 824311**

**Phelan Hallinan Diamond & Jones, PC**

1617 JFK Boulevard, Suite 1400

Philadelphia, PA 19103

856-813-5500

**Attorneys for Santander Bank, N.A.**

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY

IN RE:

KENNETH MCCARTHY

CASE NO. 19-13315 - CMG

CHAPTER 13

Debtor

CONSENT ORDER RESOLVING  
OBJECTION TO CONFIRMATION

HEARING DATE: 09/18/2019

**This Consent Order pertains to the property located at 80 CLIFFEDGE WAY, RED BANK, NJ 07701, mortgage account ending with “9115”;**

**THIS MATTER** having been brought before the Court by, Robert B. Davis, Esquire, Esquire attorney for debtor, Kenneth McCarthy upon the filing of a Chapter 13 Plan, Santander Bank, N.A. by and through its attorneys, Phelan Hallinan Diamond & Jones, PC having filed an Objection to the Confirmation of said Chapter 13 Plan and the parties having subsequently resolved their differences; and the Court noting the consent of the parties to the form, substance and entry of the within Order; and for other and good cause shown:

**IT IS ORDERED as follows:**

1. Santander Bank, N.A. has filed a valid, secured Proof of Claim in the amount of **\$313.01** (claim no. 5-1).
2. The Trustee is authorized not to pay the secured arrearage claim of Santander Bank, N.A. in the amount of **\$313.01** (claim no. 5-1), so debtors can apply and potentially complete a loan modification. Should the debtors qualify for a loan modification, the loan modification must be approved no later than **November 1, 2019**.
3. If Loan Modification is approved, Santander Bank, N.A. shall file an Amended Proof of Claim showing the amount of arrears paid to date by the Trustee.
4. If a loan modification is not approved by **November 1, 2019**, the debtors shall do one of the following: 1) file a Modified Plan to cure the arrearage claim of Movant; or 2) file a Modified Plan to surrender the property subject to said claim; or 3) a Notice to Convert to Chapter 7; or 4) a Notice to Dismiss Case.

5. Debtors acknowledge that the monthly post-petition mortgage payment amount is subject to change in accordance with the terms of the note and mortgage.

6. This Consent Order shall be incorporated in and become a part of any Order Confirming Plan in the herein matter.

The undersigned hereby consent to the form,  
Content and entry of the within Order:

PHELAN HALLINAN DIAMOND & JONES, PC  
Attorneys for Secured Creditor:  
SANTANDER BANK, N.A.

/s/ Robert J. Davidow  
Robert J. Davidow, Esq.  
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Dated: August 5, 2019

/s/ Robert B. Davis  
Robert B. Davis, Esquire  
Attorney for debtors

Dated: August 16, 2019